

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Special Permit
SE 6-2-01 FMC Telecommunications, Inc./Francis and Phyllis Cassidy, 6045 SW
45 Street/Generally located at the northeast corner of Orange Drive and SW 61
Avenue.

TITLE OF AGENDA ITEM: SE 6-2-01 FMC Telecommunications, Inc., Petitioner/Francis and Phyllis Cassidy, Owners - 6045 SW 45 Street (B-2)

REPORT IN BRIEF: The applicant requests to amend Special Permit SE 3-1-99 to allow erection of a single monopole/antenna for wireless telecommunications not to exceed 75' in height. SE 3-1-99 granted the applicant a special permit for a satellite dish antenna 23.9 feet in diameter subject to: a hedge being installed prior to installation of the satellite dish for which the special permit was granted, the hedge be maintained at a minimum 6' to 8' in height, installation of a 6' chain-link fence in association with the above mentioned hedges, the special permit be subject to review and renewal after 3 years (expires 8/18/02) .

When SE 3-1-99 was approved such approval was based upon conditions and representations set forth in Neil Kalis's letter of July 8, 1999. "The petitioner has indicated they intend to construct a two-story retail building in association with the office/retail/communication apparatus facility at the corner area closest to Orange Drive and SW 61 Avenue which will further conceal the existing satellite dishes and proposed monopole/antenna, according to the petitioner. In addition, the petitioner plans to design the building with a Western Theme design consistent with the Town's Community Redevelopment Area (CRA). Although this two-story retail building is not related to the special permit request, said proposal has been considered in conjunction with the request as represented by the property owner. Staff believes it is incumbent upon the petitioner to honor this commitment as represented."

The petitioner states they are in the process of contacting the appropriate utility companies as required to vacate right of way along Orange Drive in order to construct said structure and will proceed with the project as soon as the right of way is vacated. Staff is of the opinion that a building permit for the aforementioned two-story structure be obtained prior to installation of the single monopole/antenna.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended approval at its September 12, 2001 meeting subject to all of the conditions of SE 3-1-99, and that the monopole/antenna be only used for high speed internet service (Motion carried 4-1 with Mr. Waitkus opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Justification letters, Survey with proposed antenna locations, SE 3-1-99 staff report, Land use map, Subject site map, Aerial

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Name: Francis and Phyllis Cassidy
Address: 10670 SW 25 Street
City: Davie, FL 33324
Phone: (954)423-1722

Petitioner:

Name: FMC Telecommunications, Inc.
Address: 6045 SW 45 Street
City: Davie, FL 33314
Phone: (954)792-9649

BACKGROUND INFORMATION

Date of Notification: September 5, 2001 **Number of Notifications:** 42

Application History: No deferrals have been requested.

Application Request: Amend Special Permit SE 3-1-99 to allow erection of a single monopole/antenna for wireless telecommunications not to exceed 75' in height. SE 3-1-99 granted the applicant a special permit for a satellite dish antenna 23.9 feet in diameter subject to: a hedge being installed prior to installation of the satellite dish for which the special permit was granted, the hedge be maintained at a minimum 6' to 8' in height, installation of a 6' chain-link fence in association with the above mentioned hedges, the special permit be subject to review and renewal after 3 years (expires 8/18/02) .

Address/Location: 6045 SW 45 Street/Generally located at the northeast corner of Orange Drive and SW 61 Avenue.

Future Land Use Plan Designation: Regional Activity Center

Zoning: B-2, Community Business District

Existing Use: FMC Telecommunications (4 structures), 6 satellite relay dishes

Proposed Use: FMC Telecommunications (4 structures), 6 satellite relay dishes, and a single monopole/antenna for wireless telecommunications not to exceed 75' in height

Parcel Size: 0.86 (37,461 square feet)

Surrounding Uses:

North: Warehouses
South: Recreation and Open Space
East: Commercial
West: Vacant

Surrounding Land

Use Plan Designation:

Regional Activity Center
Regional Activity Center
Regional Activity Center
Regional Activity Center

Surrounding Zoning:

North: M-1, Light Industrial District
South: Orange Drive, South New River Canal
East: B-2, Community Business District
West: B-2, Community Business District

ZONING HISTORY

Related Zoning History: Town Council approved Ordinance 2001-35 on July 3, 2001, placing a 6 month moratorium on the acceptance of applications for wireless telecommunications towers and antennas and on the issuance of permits and approvals for the construction of wireless telecommunications towers. This application was submitted on June 20, 2001 and is therefore exempt from the moratorium.

Previous Request on same property: Town Council granted SE 3-1-99, special permit for a satellite dish antenna 23.9 feet in diameter, subject to: a hedge being installed prior to installation of the satellite dish for which the special permit was granted, the hedge be maintained at a minimum 6' to 8' in height, installation of a 6' chain-link fence in association with the above mentioned hedges, all conditions and representations set forth in the July 8, 1999 letter from Attorney Neil Kalis, and the special permit be subject to review and renewal after 3 years (expires 8/18/02).

APPLICATION DETAILS

The applicant is proposing to erect a single monopole/antenna for wireless telecommunications not to exceed 75' in height. Two possible locations for the installation have been proposed on the northern portion of the site and are shown on "Exhibit 2". The applicant is required to submit a site plan for the installation that meets all buffering and landscaping requirements prior to issuance of a building permit.

Applicable Codes and Ordinances

Section 12-34(G) of the Land Development Code, Communications Apparatus.

Section 12-113 of the Land Development Code, Buffering and landscaping for telecommunications towers, antenna, related accessory structures or other communication antenna apparatus.

Section 12-308 of the Land Development Code, Review for Special Permits.

Article XV of the Land Development Code, Telecommunications Towers and Antennas.

Comprehensive Plan Considerations

This parcel is inside the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

Planning Area: The subject property falls within Planning Area 8. This Planning Area is

the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Staff Analysis

The intent of Land Development Code's requirement for special permits is for the Town to consider external impacts of uses that require special permits. Staff finds that the proposed single monopole/antenna for wireless telecommunications not to exceed 75' in height poses minimal negative impacts on the surrounding area due to its location on the subject site, required buffering, and is consistent with the intent of the Land Development Code. The site contains 6 satellite relay dishes and the request is consistent with the current telecommunication use of the site.

When SE 3-1-99 was approved such approval was based upon conditions and representations set forth in Neil Kalis's letter of July 8, 1999. "The petitioner has indicated they intend to construct a two-story retail building in association with the office/retail/communication apparatus facility at the corner area closest to Orange Drive and SW 61 Avenue which will further conceal the existing satellite dishes and proposed monopole/antenna, according to the petitioner. In addition, the petitioner plans to design the building with a Western Theme design consistent with the Town's Community Redevelopment Area (CRA). Although this two-story retail building is not related to the special permit request, said proposal has been considered in conjunction with the request as represented by the property owner. Staff believes it is incumbent upon the petitioner to honor this commitment as represented."

The petitioner states they are in the process of contacting the appropriate utility companies as required to vacate right of way along Orange Drive in order to construct said structure and will proceed with the project as soon as the right of way is vacated. Staff is of the opinion that a building permit for the aforementioned two-story structure be obtained prior to installation of the single monopole/antenna.

Findings of Fact

Review for Special Permits:

Section 12-308(A)(1)(a):

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (ii) The proposed change will not create an unrelated an incompatible use;
- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

(iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

(v) The proposed change will not adversely affect surrounding property values;

(vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(vii) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition SE 6-2-01.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval at its September 12, 2001 meeting subject to all of the conditions of SE 3-1-99, and that the monopole/antenna be only used for high speed internet service (Motion carried 4-1 with Mr. Waitkus opposed).

Exhibits

1. Justification letters
2. Survey with proposed antenna locations
3. SE 3-1-99 staff report
4. Land use map
5. Subject site map
6. Aerial

Prepared by: _____

Reviewed by: _____

Kalis & Kleiman, P.A.

7320 Griffin Road, Suite 109
Davie, Florida 33314

Neal R. Kalis
M. Scott Kleiman
Penny M. Burke

Telephone (954) 791-0477
Fax (954) 791-0506
E-mail kaliskleiman@firelinedsl.com

June 20, 2001

Town of Davie
6591 Orange Drive
Davie, FL 33314

RE: Special Permit Application on behalf of FMC Telecommunications, Inc. Amending Special Permit No. SE 3-1-99 Allowing Erection of a Single Monopole/Antenna for Wireless Communications

Dear Sir/Madam:

With regard to the above-referenced Special Permit Application attached is a copy of a survey which depicts the proposed location of the single monopole/antenna to be located in one of two possible sites shown by red dots. The proposed single monopole/antenna will be less than 75' in height. The Petitioner's response to the following Special Permit Criteria are as follows:

1. Is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

No.

2. Will create an unrelated and incompatible adjacent use;

No. The adjacent properties are either vacant, commercial or industrial.

3. Will adversely affect living conditions in the neighborhood, or the town;

No. There is no residential adjacent to the property. The proposed special permit will enable the applicant to provide the Town with wireless telecommunication services.

4. Will create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;

No increase in traffic will be associated with the monopole/antenna.

5. Will adversely affect surrounding property values;

No adverse affect is foreseen. Increasing the availability of wireless telecommunications technology in the Town will enhance property values.

6. Will be a deterrent to the improvement or development of other property in accord with existing regulations;

No. The special permit will enable FMC to enhance its operations in Davie which will be an attractor of other technology based businesses which desire to be located in the vicinity of FMC's technology.

7. Will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

No.

Very truly yours,



Neal R. Kalis

NRK/bac

F:\Davies OFFICE\WPDOS\WPDOS\inc radio\2001\spec permit\2001

cc: Mr. Frank Cassidy, FMC Telecommunications, Inc.

Kalis & Kleiman, P.A.7320 Griffin Road, Suite 109
Davie, Florida 33314Neal R. Kalis
M. Scott Kleiman
Penny M. BurkeTelephone (354) 791-0477
Fax (354) 791-0506
E-mail kaliskleiman@florinadsl.com

August 17, 2001

VIA FAX (797-1086)

Mr. Mark A. Kutney
Town of Davie
Development Services Department
6591 Orange Drive
Davie FL 33314

RE: FMC Telecommunications/Special Permit

Dear Mark:

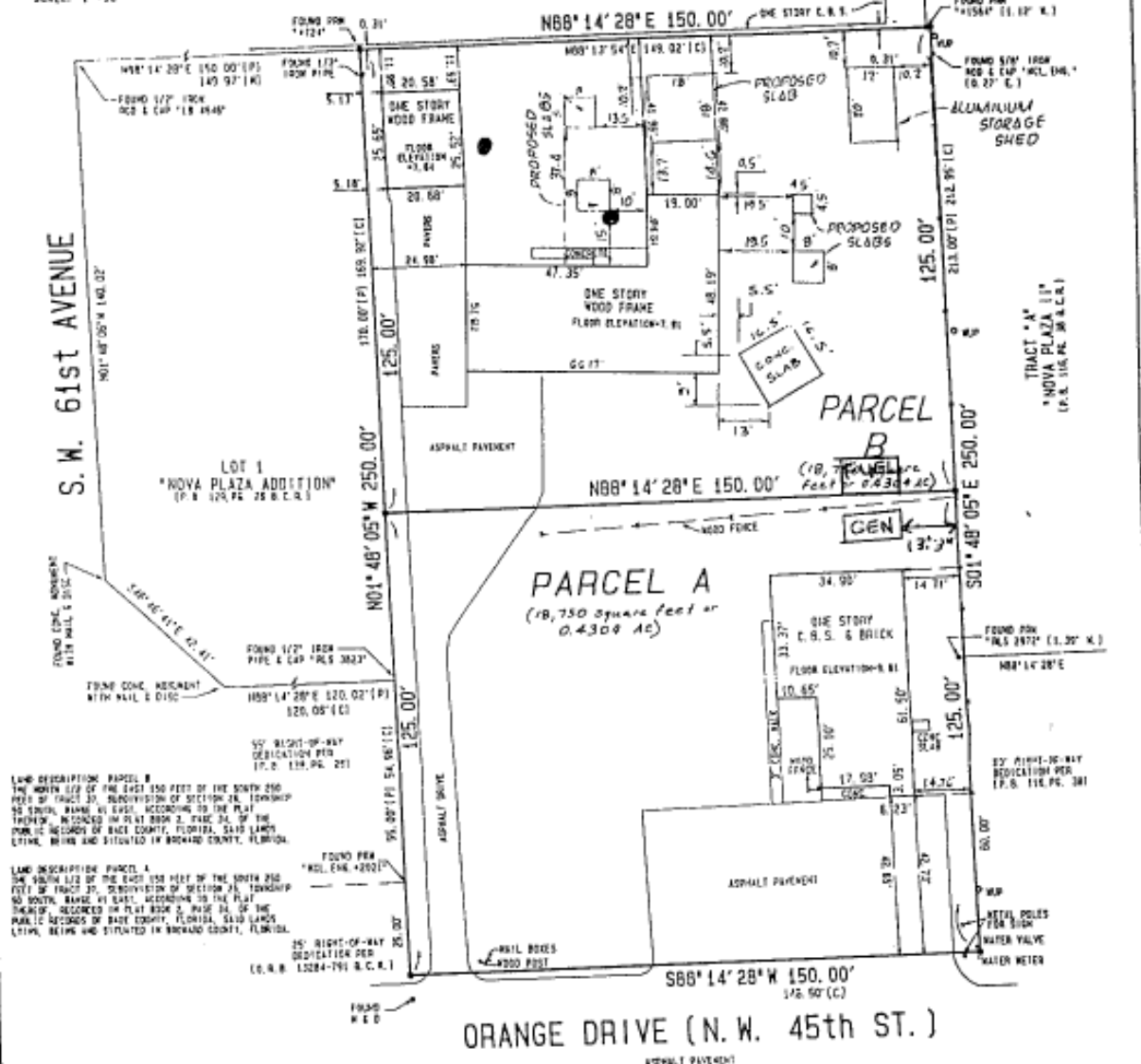
Following is a brief synopsis regarding the status of our progress for vacation of the right-of-way on Orange Drive on behalf of our client, FMC Telecommunications which is a prerequisite to proceeding with the site plan for a new multistory building on the corner of Orange Drive and 45th Street.

August 18, 1999	Special Permit approved at Town Council meeting to be reconsidered after three year timeframe
September 2, 2000	Road Transfer Agreement authorized by the Broward County Board of County Commissioners to transfer Orange Drive from State Road 7/US 441 to Davie Road from Broward County to the Town of Davie completing the process of deleting Orange Drive from the Broward County Trafficways Plan.
June, 2001	After numerous discussions with Town of Davie Staff we sent letters to the various utility companies provided to us by the Town of Davie pursuant to its Vacation of Right-of-Way Notification List. Responses have been very slow and we are following up with those companies we have not yet heard from. Once we have responses from all utility companies we will have survey(s) prepared for the area to be vacated and proceed with processing the Application with the Town of Davie.

Our client has been in constant communication with our office and reconfirmed on numerous occasions its commitment to proceed with the project as soon as the right-of-way is vacated. If you think it would be advisable we would be willing to discuss the simultaneous processing of the site plan and application for vacation of right-of-way.

SCALE: 1" = 30'

PARCEL "A"
"NOVA PLAZA"
1 P. 8, 112 PG. 29 E.C.R. I



LEGEND:

CONC.	CONCRETE
W.U.	WOOD UTILITY POLE
G	GEOTECHNICAL
N & D/C	NAUL & DISC
P.R.M.	PERMANENT REFERENCE MARKPOINT
B.C.R.	BROWARD COUNTY RECORDS
D.C.R.	DADE COUNTY RECORDS
O.R.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
N.E.S.	MILWAUKEE IN ENGINEERING
C.B.S.	CONCRETE BLOCK STRUCTURE
(D)	PER USED
(P)	PER PLAT
(C)	CALCULATED FROM FIELD TRAVERSE
AC	AGRES

SURVEYOR'S NOTES:

8. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED

NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY PANEL NO.: 120035 0302F
F.I.R.M. DATE: 7-21-95
EFFECTIVE DATE: 8-18-92
BASE FLOOD ELEVATION: 5.0
ZONE: AP1

CERTIFY TO:
ATTORNEYS' TITLE INSURANCE FUND, INC.
CARPENTIER & BROWN, P.A.
FIRST UNION NATIONAL BANK,
its successors and/or assigns
FNC TELECOMMUNICATIONS, INC.
FRANCIS PASSIDY

LAND DESCRIPTION: [OVERALL]
THE EAST 150 FEET OF THE SOUTH 250 FEET OF TRACT 37 OF THE
"EVERGLADES LAND SALES COMPANY SUBDIVISION OF THE WEST 1/2
OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 41 EAST", ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 34 OF
THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE,
HOMERIDGE COUNTY, FLORIDA.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF. I SIGN THIS CERTIFICATE THIS



Town Council Agenda Report

SUBJECT: Quasi Judicial
TITLE OF AGENDA ITEM:

SE 3-1-99 - Neil Kalis, petitioner / FMC Telecommunications, owner

REPORT IN BRIEF:

The petitioner is requesting placement of a telecommunication satellite dish which exceeds the maximum size permitted by code. The petitioner states, additional dishes are required in order to keep up with the competition associated with their business. There are currently four existing dishes on the property, which meet code, and one existing dish which exceeds code. Originally, the petitioner was proposing three additional dishes which would exceed code, however upon discussion with staff, the petitioner agrees to limit the request to one additional dish along with a sufficient landscape buffer. Therefore, staff believes the proposed request is consistent with existing conditions of the site, provides for reasonable use of the property, provides a sufficient buffer, and will be limited to no more than six dishes total for the site.

DISCUSSION: (include background, project summary, significant impacts, citizen participation, workload impacts, purpose, project workspace, evaluation and selection process, and conclusion)

Background: The subject site is currently operating as a telecommunication apparatus business and has existing satellite dishes on the property. In order to keep up with the competition associated with this business, expansion of facilities are necessary. In order to accommodate expansion of this business a special permit is required.

Purpose of Request: To allow placement of a telecommunication satellite which exceeds code on the property.

Significant Impacts: The property is surrounded by Industrial zoned property to the north east and west. There is a small portion of residential property to the west, however, the impacts to this area will be insignificant as a buffer plan has been provided to mitigate this impact.

Conclusion: Staff believes the proposed special permit request is consistent with existing conditions of the site, will provide for reasonable use of the property, and will be properly buffered.

CONCURRENCES: (concerns and/or opinions of affected departments, Committees, Boards or Council)

The Planning and Zoning Board suggested proper screening and landscaping to ensure the proposed satellite dish is buffered from view.

FISCAL IMPACT:

N/A

RECOMMENDATION(S):

On July 14, 1999, the Planning and Zoning Board made a motion to grant the special permit (4-1), subject to all of the conditions and representations as set forth in the July 8, 1999 letter from

Item No.

9.2

Attorney Neal Kalis, representing the petitioner and; further subject to the hedge being installed prior to installation of the satellite dish for which the special permit is sought; and that the hedge will be maintained at a minimum of 6' to 8' in height, as described in Mr. Kalis' letter and; furthermore the petitioner shall provide a 6' high chain-link fence in association with the above referenced hedges and; that the special permit be for a term of 3 years. At the expiration of 3 years the special permit will come back before Planning & Zoning Board and Town Council for review and renewal with regard to the items mentioned in subparagraph II, page 2, of Mr. Kalis' letter.

Attachment(s):

Planning Report, Exhibits (letters from petitioner), petition with back-up, excerpt, subject site map and aerials.

July 21, 1999

CITY OF ORANGE
PLANNING AND ZONING DIVISION
PLANNING REPORT

SUBJECT: Special Permit Application SE 3-1-99

PETITIONER/OWNER: FMC Telecommunications, Inc.

ADDRESS: 6045 SW 45 Street

LOCATION: Generally located at the northeast corner of SW 61 Avenue and Orange Drive

REQUEST: Special permit to erect 1 satellite dish antennae greater than 12 feet in diameter pursuant to Section 12-34(G)(1)(e), with a diameter of 23.9 feet.

EXHIBITS TO BE INCLUDED: Special permit application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is 1.4 acres in area zoned B-2, containing 4 structures occupied by FMC Telecommunications, as well as 5 existing satellite relay dishes. The subject site is bound on the north by warehouses zoned M-1, on the east and west by commercial uses zoned B-2, and on the south by Orange Drive and the South New River Canal.

The petitioner requests a special permit to erect 1 satellite dish antenna 23.9 feet in diameter, which exceeds the 12 foot diameter permitted by code. Currently, one of the five existing dishes exceeds 20 feet in diameter and was issued a permit in error and, is permitted to remain due to the error. The remaining four (4) other satellite dishes do not exceed 12 feet in diameter, however, were installed without the benefit of a building permit. The petitioner has been cited for this violation and has been continued at the Special Master's hearing. The petitioner has to August 17, 1999 to remedy the situation.

In addition, the applicant is requesting both a rezoning and this special permit to permit 1 satellite dish antenna in excess of 12 feet in diameter. During the review of this development, staff determined that based upon provisions within the Land Development Regulations, the use of the property as office/retail/communication apparatus was appropriate and negates the need to rezone the property M-1 (rationale behind the request to rezone the property).

Pursuant to several staff/applicant meetings, the petitioner has indicated they are willing to provide additional landscaping around the area where the existing and proposed satellite dishes are located. Staff had strongly recommended the petitioner provide a 6 foot high concrete masonry wall with associated hedging

surrounding this area for screening purpose, however the petitioner would rather provide a chain link fence with hedges on both sides. Staff believes a masonry wall has greater aesthetic value than a chain link fence. Landscaping can more easily deteriorate over time if not maintained defeating the purpose of a visual shield which would be eliminated with a masonry wall. The petitioner request Town Council input.

The petitioner has also indicated they intend to construct a two-story retail building in association with the office/retail/communication apparatus facility, on the same property (see Exhibit "A"). This building is to be placed at the corner area closest to Orange Drive and SW 61st Avenue which will further conceal the existing and proposed satellite dishes, according to the petitioner. In addition, the petitioner plans to design the building with a Western Theme design consistent with the Town's Community Redevelopment Area (CRA). Although this two-story retail building is not related to the special permit request, said proposal has been considered in conjunction with the request as represented by the property owner. Staff believes it is incumbent upon the petitioner to honor this commitment as represented.

The petitioner has prepared a conceptual master plan which represents the existing office/retail/ communication apparatus facility and the proposed future retail building. The existing and proposed satellite dish are located to the rear of the property, adjacent to property zoned M-1 District containing warehouses. The existing satellite dishes are located approximately 170 feet from Orange Drive, and 200 feet from the nearest residence, behind the existing building structure. The proposed satellite dish represented in this request would be located behind the highest peak of the existing building. The proposed future retail building would be in addition to the existing telecommunications building and screening wall/fence around the dish area, providing additional screening from Orange Drive and SW 61st Avenue.

The proposed future retail building is not intended to provide sole screening of the satellite dishes, but to ensure that this property is developed with a high quality development suitable for the gateway to down town Davie. The satellite dishes are already screened by landscaping. The future building will provide an additional visual buffer from the right-of-way and the dishes (see petitioner letter, Exhibit "B").

Review of a special permit request should include consideration of the criteria listed in Section 12-308 of the Land Development Code which is attached hereto, and made a part hereof.

The existing and proposed antennae are compatible with the commercial zoning and land uses along Orange Drive, and the abutting Industrial use to the north. The applicant has limited this request to only one satellite dish which is compatible with existing conditions on the site. The petitioner has provided

letters of non-objection from two of the surrounding property owners (see attached letters) and has meet with two others which feel confident with this request condition upon the future retail building. The proposed use does not deter improvements of other properties in the area, and the proposed satellite dish does not have any impact on the the local or regional traffic ways.

RECOMMENDATION: The Planning and Zoning Division therefore recommends **APPROVAL** of the requested special permit to erect 1 satellite dish antennae with a diameter of 23.9 feet, with findings that the request is generally consistent with the Comprehensive Plan, and is in harmony with the general intent and purpose of the Code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to grant the special permit (4-1), July 14, 1999, subject to all of the conditions and representations as set forth in the July 8, 1999 letter from Attorney Neal Kalis, representing the petitioner and; further subject to the hedge being installed prior to installation of the satellite dish for which the special permit is sought; and that the hedge will be maintained at a minimum of 6' to 8' in height, as described in Mr. Kalis' letter and; furthermore the petitioner shall provide a 6' high chain-link fence in association with the above referenced hedges and; that the special permit be for a term of 3 years. At the expiration of 3 years the special permit will come back before Planning & Zoning Board and Town Council for review and renewal with regard to the items mentioned in subparagraph II, page 2, of Mr. Kalis' letter.

Prepared by: RE

Reviewed by: MAC

EXHIBIT "A"

Kalis & Kleiman, P.A.

7320 Griffin Road, Suite 109
Davie, Florida 33314

Neal R. Kalis
M. Scott Kleiman

Telephone (954) 791-0477
Fax (954) 791-0506

July 8, 1999

Mr. Mark A. Kutney, AICP
Director
Development Services Department
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

HAND DELIVERED

RE: FMC Telecommunications, Inc./Town of Davie
ZB 3-1-99 and SE 3-1-99

Dear Mr. Kutney:

This letter shall serve as a follow-up to our meeting with you and Gayle Easterling on June 3, 1999.

I am enclosing a copy of a conceptual site plan and elevation for the satellite dishes and a proposed two story building to be built on the corner of SW 61st Street and Orange Drive. We would like to emphasize the following key points and provide details as to the commitments my client is willing to offer as a restrictive covenant.

I. Satellite Dishes.

- A. FMC will restrict all satellite dishes to be located within the compound area which I have highlighted in red on the attached site plan.
- B. FMC will restrict the total number of installed satellite dishes to a maximum of six (6). The location of the satellite dishes is depicted on the attached site plan.
- C. FMC will amend its Special Permit Application SE 3-1-99 to one (1) new dish 7.3 meters in size. FMC understands that approval of this satellite dish is subject to Town Council approval.
- D. Regarding the previously filed application(s), FMC seeks immediate issuance of permits for the existing four (4) satellite dishes which are 12 feet in diameter or smaller. As you know, FMC has continuously maintained that commercial antenna apparatus is authorized under the Town's B-2 Zoning District and that satellite dishes 12 feet in diameter or less do not require a special permit. Upon the Town's confirmation of the foregoing, my client intends to withdraw rezoning application 79

3-1-99 which seeks to rezone my clients property to M-1 (this is a zoning district which is consistent with the existing zoning of adjacent parcels located to the north and west).

- E. In addition to the existing landscaping, FMC proposes to install both a ficus hedge around the satellite dish compound area, which will be maintained at 8 feet and a number of oak trees. The existing landscaping when augmented with the proposed additional landscaping will provide a lush and attractive screen. We would remind the Town that the subject property is surrounded by industrial and commercially zoned lands whose values, we believe, will be enhanced by this project.
- F. The existing storage facility located at the northeast corner of the property will be relocated to provide adequate setbacks.
- G. FMC will obtain all necessary construction permits and approvals.

II New Two (2) Story Building.

- A. FMC proposes to construct a new two (2) story building to be located at the corner of SW 61st Street and Orange Drive. This building will serve to further screen the satellite dishes from view by passing motorists. The new building is intended to be utilized by two (2) new retail businesses: PJ Dolls and Collectibles and an as yet unnamed business which will sell satellite equipment.
- B. Although just on the edge of the Western Theme District, which ends on the west side of 61st Street, FMC proposes that the new building will be western in appearance with a brick exterior as depicted on the attached conceptual elevation plan. The building is to be located with a 10 foot setback from the right-of-ways and parking to the rear and sides. This is an important corner which is deserving of the special treatment proposed by FMC. FMC understands that several variances will be needed to accomplish this project, however, the benefits for the community are compelling and deserving of a favorable recommendation.

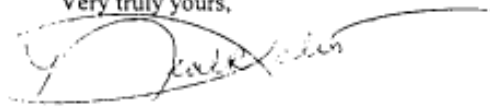
My client and I would like to meet with you and/or any concerned citizens at the earliest possible time as the matter is currently scheduled for consideration by the Planning & Zoning Board at its July 14, 1999 meeting. Our intention is to move forward on the Special Permit Application and seek a tabling of the rezoning pending the final outcome of the Special Permit Application.

I have long standing plans to be out of the country from July 21st through August 8th and therefore would request that consideration by the Town Council be tabled until my return.

Mr. Mark A. Kutney, AICP
July 8, 1999
Page Two

I look forward to hearing from you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Neal R. Kalis", is written over a horizontal line.

Neal R. Kalis

NRK/bac
Enclosure

E:\Barbara\OFFICE\WPW\W7DOCS\inc\770dtr.wpd

cc: Mr. Frank Cassidy, FMC Telecommunications (Via Fax Without Enclosure)
Roger Brown, Esq. (Via Fax Without Enclosure)
Ms. Gayle Easterling (Hand Delivered Without Enclosure)

EXHIBIT "B"

Kalis & Kleiman, P.A.

7320 Griffin Road, Suite 109
Davie, Florida 33314

Neal R. Kalis
M. Scott Kleiman

Telephone (954) 791-0477
Fax (954) 791-0506

July 16, 1999

Mr. Mark A. Kutney, AICP
Director
Development Services Department
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

HAND DELIVERED

RE: FMC Telecommunications, Inc./Town of Davie

Dear Mr. Kutney:

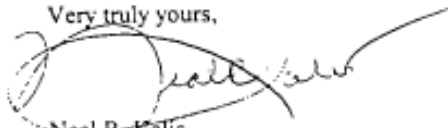
The purpose of this letter is to clarify my client's intentions with respect to the additional landscaping to be installed in connection with the granting of the Special Permit for the 7.3 meter antenna. It was not our intention to be misleading by utilizing the conceptual site plan which was presented to the Planning & Zoning Board at its meeting of July 14, 1999. If the Special Permit is granted for the 7.3 meter antenna which is to be located on the pad designated on the conceptual site plan as "Alternate for 7.3 M. Antenna" then my client committed to install new landscaping consisting of ficus hedges around the antenna compound area, which I have highlighted in red marker, and oak trees east of the existing service road and south of the existing antenna compound area. The location of the proposed new building, parking lot and landscaping depicted on the conceptual site plan is conceptual only. We pointed out to the Planning & Zoning Board that the final location of the new building would necessitate the resolution of a number of issues including vacating a portion of the existing Orange Drive right-of-way which was previously dedicated on the Nova Plaza Addition plat (copy of survey is enclosed) and obtaining variances and/or other relief from current set back requirements. The landscaping labeled as "New G, Virginiana" on the conceptual site plan, and located south of the proposed new building within the existing Orange Drive right-of-way was not intended to be linked to the Special Permit request. During the Planning & Zoning presentation a question was asked by one of the board members as to whether the proposed new building was intended to provide additional screening for the antennas. If you will recall I said that that was not the case because, in our opinion, the existing landscaping already provides adequate screening of the antennas from the 61st Avenue and corner of 61st Avenue and Orange Drive viewing angles. I have enclosed pictures supporting such.

I am also enclosing another copy of the conceptual site plan and labeled all of Parcel C, where the proposed new building, parking lot and landscaping is depicted as PROPOSED. I hope this clarifies the matters.

Mr. Mark A. Kutney, AICP
July 16, 1999
Page Two

Again, we apologize for any confusion. If I can provide additional information or clarification, please do not hesitate to contact me.

Very truly yours,



Neal R. Kalis

NRK/bac
Enclosures

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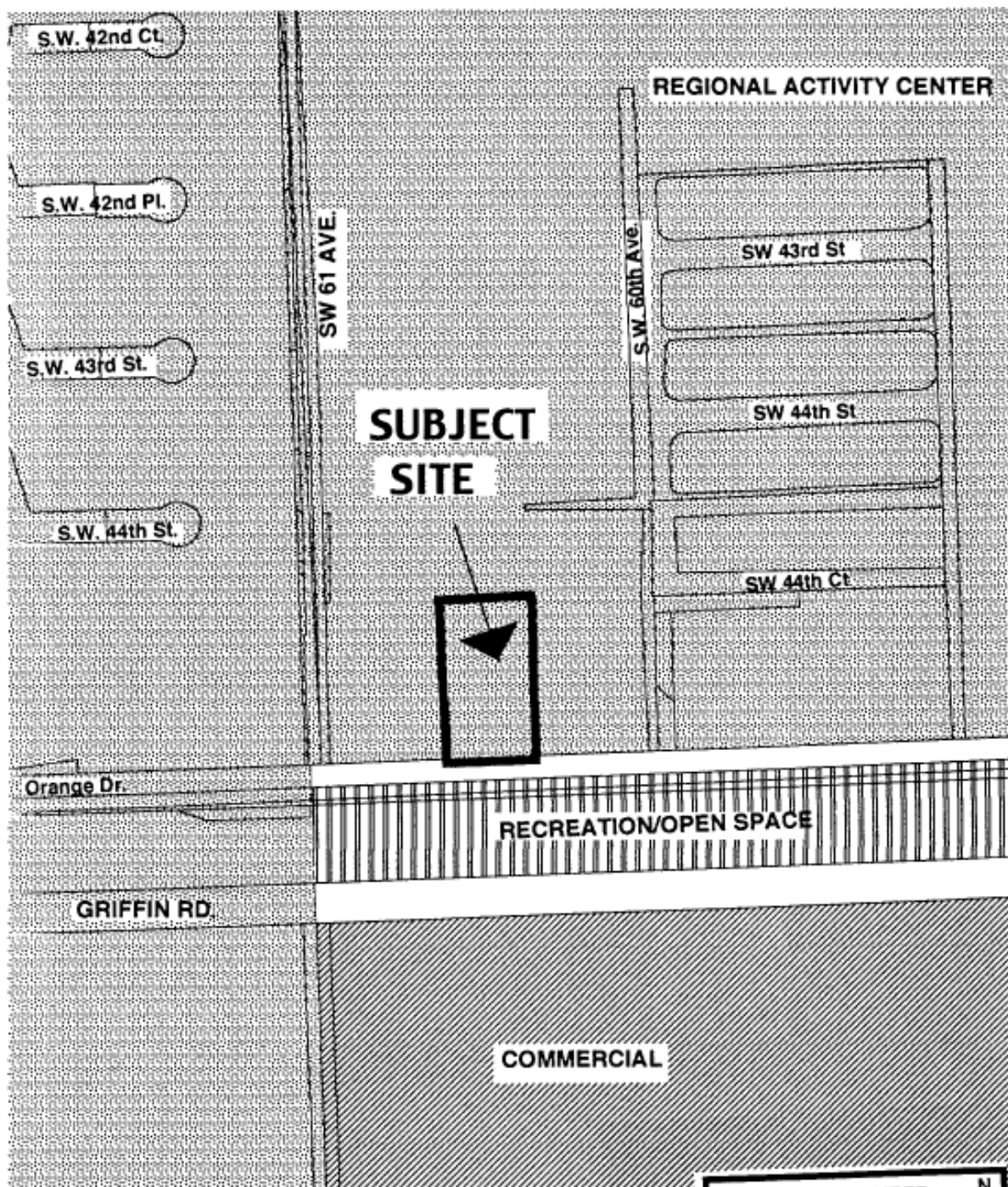
cc: Mr. Frank Cassidy, FMC Telecommunications (Via Fax Without Enclosures)
Roger Brown, Esq. (Via Fax Without Enclosures)
Ms. Gayle Easterling (Hand Delivered Without Enclosures)
Mr. Jason Eppy (Hand Delivered Without Enclosures)

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-308. Review for special permits.

Whether or not:

- (a) Is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) Will create an unrelated and incompatible adjacent use;
- (c) Will adversely affect conditions in the neighborhood or the town;
- (d) Will create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;
- (e) Will adversely affect surrounding property values;
- (f) Will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (g) Will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

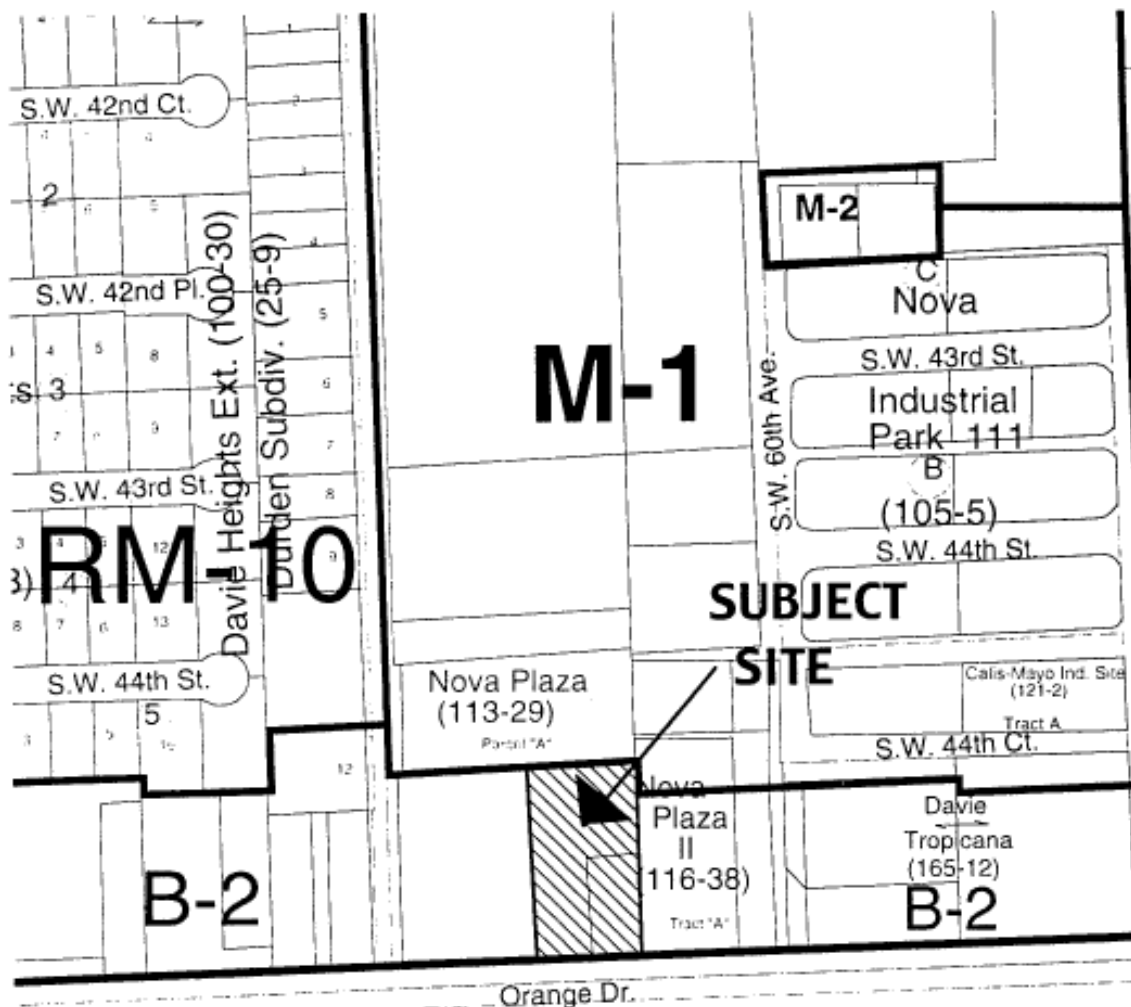


PETITION NUMBER
SE 6-2-01
Subject Site Area
Future Land Use Plan

PREPARED 6/25/01
BY THE PLANNING &
ZONING DIVISION

Scale: 1"=200'

N
4



SOUTH NEW RIVER CANAL

Griffin Corridor District
(Downtown Zone) (East Gateway Zone)

PETITION NUMBER	N
SE 6-2-01	
Subject Site Area Zoning Map	
PREPARED 6/25/01	Scale: 1"=200'
BY THE PLANNING & ZONING DIVISION	



SW 42 PL

SW 43 ST

MULTI FAMILY RES.

SW 44 ST

COMMERCIAL

ORANGE DR

GRIFFIN RD.

VACANT

COMMERCIAL

SINGLE FAMILY RES.

WAREHOUSES

SW 60 AVE

SW 43 ST

SW 44 ST

SUBJECT
SITE

SW 44 CT.

VACANT

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
SE 6-2-01